IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5889 OF 2006

Anil Laxman Sakpal & Anr. .. Petitioners.
Vs.
Anand Narayan Kakade .. Respondent.

Mr.A.S.Malwankar for the petitioners.
Mr.V.K.Deokar for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 4TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. Rule, returnable forthwith. By consent taken up for final hearing. Mr.Deokar, learned counsel waives service for the respondent.

3. By this writ petition, the petitioner has impugned the order dated 1st August, 2006 by which the petitioner-defendant's application dated 19th July, 2005 for seeking permission to file written statement has been rejected. I perused the application as also the impugned order. My attention was also invited to other documents placed on record. Keeping in view the circumstances in which delay occurred I am inclined to allow this writ petition. Hence I pass the following order:

. The petitioners are allowed to place on record

the written statement on or before friday i.e. 8.9.2006 subject to payment of cost quantified at Rs.2,000/- and to be paid to respondent-plaintiff on or before friday i.e. 8.9.2006.

(D.B.Bhosale, J.)